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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,611	03/01/2002	Robert E. Baker	11564.0050.NPUS00 (Former)	7955
7590	01/15/2004		EXAMINER	
HOWREY SIMON ARNOLD & WHITE 750 Bering Drive Houston, TX 77057-2198			ESTRADA, ANGEL R	
			ART UNIT	PAPER NUMBER
			2831	

DATE MAILED: 01/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/087,611	Applicant(s) BAKER ET AL.
	Examiner Angel R. Estrada	Art Unit 2831
<i>-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --</i>		
Period for Reply		
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.		
<ul style="list-style-type: none"> - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). 		
Status		
1) <input checked="" type="checkbox"/> Responsive to communication(s) filed on <u>October 29, 2003</u> .		
2a) <input checked="" type="checkbox"/> This action is FINAL . 2b) <input type="checkbox"/> This action is non-final.		
3) <input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.		
Disposition of Claims		
4) <input checked="" type="checkbox"/> Claim(s) <u>1-21</u> is/are pending in the application.		
4a) Of the above claim(s) _____ is/are withdrawn from consideration.		
5) <input type="checkbox"/> Claim(s) _____ is/are allowed.		
6) <input checked="" type="checkbox"/> Claim(s) <u>1,2,4-15 and 17-21</u> is/are rejected.		
7) <input checked="" type="checkbox"/> Claim(s) <u>3 and 16</u> is/are objected to.		
8) <input type="checkbox"/> Claim(s) _____ are subject to restriction and/or election requirement.		
Application Papers		
9) <input type="checkbox"/> The specification is objected to by the Examiner.		
10) <input type="checkbox"/> The drawing(s) filed on _____ is/are: a) <input type="checkbox"/> accepted or b) <input type="checkbox"/> objected to by the Examiner.		
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).		
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).		
11) <input type="checkbox"/> The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.		
Priority under 35 U.S.C. §§ 119 and 120		
12) <input type="checkbox"/> Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).		
a) <input type="checkbox"/> All b) <input type="checkbox"/> Some * c) <input type="checkbox"/> None of:		
1. <input type="checkbox"/> Certified copies of the priority documents have been received.		
2. <input type="checkbox"/> Certified copies of the priority documents have been received in Application No. _____.		
3. <input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).		
* See the attached detailed Office action for a list of the certified copies not received.		
13) <input type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.		
a) <input type="checkbox"/> The translation of the foreign language provisional application has been received.		
14) <input type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.		
Attachment(s)		
1) <input type="checkbox"/> Notice of References Cited (PTO-892)		
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)		
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.		
4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____.		
5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)		
6) <input type="checkbox"/> Other: _____.		

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4, 6-12, 14, 17 and 19-21 are rejected under 35 U.S.C. 102(b) as being

DK/12/04 anticipated by Garvin ~~1~~ (US 2,480,568).

Regarding claim 1, Garvin discloses a remote distribution cabinet (see figure 2) comprising: at least one panelboard (46, 47) having a plurality of circuit breakers (68, or see column 6 lines 59-65); a plurality of structural members (see figure 2) attached to the panelboard (column 5 lines 28-65), thereby forming a frame structure (see figure 2) including the panelboard (see figure 2 and 7); and a bottom member (32) attached to the structural members (see figure 2).

Regarding claim 4, Garvin discloses the remote distribution cabinet (see figure 2) further comprising at least one access panel (26 or 31) covering the plurality of circuit breakers (see figure 4 and 5).

Regarding claim 6, Garvin discloses the remote distribution cabinet (see figure 2) wherein said access panel (26 and 31) is adjustable to allow for a shift in the position of the circuit breakers (68) within the panelboard (26 and 31).

Regarding claim 7, Garvin discloses the remote distribution cabinet (see figure 2) comprising at least two panelboards (46, 47, or see figure 2) wherein one or more panelboards are arranged to receive power from different sources (see figure 5-7)

Regarding claim 8, Garvin discloses the remote distribution cabinet (see figure 2) further comprising a tie-breaker (see figure 7) for providing power from one of a plurality of sources to one or more panelboards (46,47).

Regarding claim 9, Garvin discloses the remote distribution cabinet (see figure 2) further comprising a tie-breaker (see figure 7) for providing power from one of a plurality of sources to one or more panelboards (46,47).

Regarding claim 10, Garvin discloses the remote distribution cabinet (see figure 2) comprising where a current monitoring unit (58) to measure the current of said at least one panelboard (see figure 7).

Regarding claim 11, Garvin discloses the remote distribution cabinet (see figure 2) further comprising at least one main circuit breaker (68 or see figure 7)

Regarding claim 12, Garvin discloses the remote distribution cabinet (see figure 2) further comprising an access panel (26, 31) separately covering each of the at least one panelboard (see figure 4 and 5), wherein when the access panel is removed, service can be performed on the at least one panelboard (46,47) without exposing other energized components of the remote distribution cabinet (see figure 4 and 5).

Regarding claim 14, Garvin discloses the remote distribution cabinet (see figure 2) comprising: at least one panelboard (46,47); a means (see figure 2) for incorporating

said panelboard into a frame structure for the remote distribution cabinet (column 5 lines 28-65).

Regarding claim 17, Garvin discloses the remote distribution cabinet (see figure 2) wherein the panelboard (46,47) comprises a plurality of circuit breakers (68 or see column 6 lines 59-65) and the remote distribution cabinet (10) further comprises at least one access panel (31) covering the plurality of circuit breakers (see figure 1 and 2).

Regarding claim 19, Garvin discloses the remote distribution cabinet (see figure 2) wherein said access panel (31) is adjustable to allow for a shift in the position of the circuit breakers (68) within the panelboard (see figure 5).

Regarding claim 20, Garvin discloses the remote distribution cabinet (see figure 2) comprising at least two panelboards (46,47) wherein one or more panelboards are arranged to receive power from different sources (see figure 7).

Regarding claim 21, Garvin discloses the remote distribution cabinet (see figure 2) further comprising a tie-breaker (see figure 7) for providing power from one of a plurality of sources to one or more panelboards (46,47).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 5, 13 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garvin (US 2,480,568) in view of Skirpan (US 5,202,538).

Regarding claim 5, Garvin discloses the claimed invention except for the access panel (31) allows visual inspection of the circuit breakers without opening the access panel. Skirpan teaches a remote distribution cabinet (10) having an access panel (251) that allows visual inspection of some electrical components inside the cabinet without opening the access panel (column 13 line 16-25). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make Garvin's access panel (31) of a material that allow visual inspection as taught by Skirpan to provide the user with a panel that will allow visual inspection of the circuit breaker to prevent electric shock hazards.

Regarding claim 13, Garvin discloses the claimed invention except for the access panel (31) allows visual inspection of the circuit breakers without opening the access panel. Skirpan teaches a remote distribution cabinet (10) having an access panel (251)

that allows visual inspection of some electrical components inside the cabinet without opening the access panel (column 13 line 16-25). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make Garvin's access panel (31) of a material that allow visual inspection as taught by Skirpan to provide the user with a panel that will allow visual inspection of the circuit breaker to prevent electric shock hazards.

Regarding claim 18, Garvin discloses the claimed invention except for the access panel (31) allows visual inspection of the circuit breakers without opening the access panel. Skirpan teaches a remote distribution cabinet (10) having an access panel (251) that allows visual inspection of some electrical components inside the cabinet without opening the access panel (column 13 line 16-25). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make Garvin's access panel (31) of a material that allow visual inspection as taught by Skirpan to provide the user with a panel that will allow visual inspection of the circuit breaker to prevent electric shock hazards.

3. Claims 2 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garvin (US 2,480,568) in view of Stephens (US 4,296,574).

Regarding claim 2, Garvin discloses the claimed invention except a bottom member sized to fit the cabinet within a raised floor. Stephens teaches a cabinet (60) having a bottom member is sized to allow the cabinet to fit within a raised floor tile space (see figure 8). It would have been obvious to one of ordinary skill in the art at the

time the invention was made to make Garvin's cabinet with a bottom member sized to allow the cabinet to fit within a raised floor tile space as taught by Stephens to allow the bottom of the cabinet to be supported by the raised floor supported means to provide the cabinet with stability.

Regarding claim 15, Garvin discloses the claimed invention except a bottom member sized to fit the cabinet within a raised floor. Stephens teaches a cabinet (60) having a bottom member is sized to allow the cabinet to fit within a raised floor tile space (see figure 8). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make Garvin's cabinet with a bottom member sized to allow the cabinet to fit within a raised floor tile space as taught by Stephens to allow the bottom of the cabinet to be supported by the raised floor supported means to provide the cabinet with stability.

Allowable Subject Matter

4. Claims 3 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance: The primary reason for the indication of the allowability of claims 3 and 16 are:

Regarding claims 3 and 16 is the inclusion therein in combination as currently claimed of the limitation of the remote distribution cabinet comprising a junction box attached to the bottom member so as to be disposed beneath a raised floor.

This limitation was found in claims 3 and 16, and is neither disclosed nor taught by the prior art of record, alone or in combination

Response to Arguments

5. Applicants' arguments filed October 2, 2003 have been fully considered but they are not persuasive.

a) In response to the applicants' arguments, regarding claims 1; the Applicants argue that Garvin (US 2,480,568) does not discloses a plurality of structural members attached to the panelboard thereby forming a frame structure including the panelboard. The Examiner disagrees because Garvin discloses a remote distribution cabinet (see figure 2); comprising a plurality of structural members (see figure 2) attached to the panelboard (46, 47) thereby forming a frame structure (see figure 2) including the panelboard. Notice in Figures 2 and 7 that the panelboard (47) is attached to the frame (22) by way of frames (45, 44), the end of the frame (44, 45) has a right angle member (51) that is attached to cross member (53, see figure 2). Thus all the frames and cross bars connections forms a frame structure that includes the panelboard as shown in figure 2.

b) In response to the applicants' arguments, regarding claim 5; The applicants argue that the combination of Garvin (US 2,480,568) in view of Skirpan (US 5,202,538) is improper because Skirpan does not disclose, teaches or suggest that the transparent cover (251) could be used to cover the circuit breakers. The Examiner points out that Skirpan was not relied upon to teach an access panel covering a plurality of circuit

breaker. Skirpan is only relied upon to teach a panel where visual inspection can be made without opening the panel. The combination of Garvin in view of Skirpan seems to be proper since one of ordinary skill in the art will make Garvin's access panel (26 or 31) of a transparent material that would allow visual inspection without opening the panel as taught by Skirpan.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication should be directed to Angel R. Estrada at telephone number (703) 305-0853. The Examiner can normally be reached on Monday-Friday (8:30 -5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on (703) 308-3682. The fax numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for after final communication.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

AE

January 9, 2003

Dean A. Reichard 1/12/04
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